

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:18 CV 136**

ANGELA L. THOMAS,

Plaintiff,

v.

**ROBERT WILKIE, Acting Secretary
United States Department of Veterans'
Affairs,**

Defendant.

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ORDER

This matter is before the Court *sua sponte*. A review of the Court's docket reveals the following:

On July 12, 2017, Plaintiff, proceeding *pro se*, filed her Complaint in the United States District Court for the Southern District of Georgia (Doc. 1) against David J. Shulkin, Secretary of the Department of Veterans' Affairs.

On August 8, 2017, Plaintiff filed an Amended Complaint (Doc. 4).

Effective March 28, 2018, Robert Wilkie succeeded David J. Shulkin as the Acting Secretary of Veterans' Affairs and therefore was automatically substituted for Secretary Shulkin pursuant to Rule 25(d) of the Federal Rules of Civil Procedure (Doc. 13 at n. 1).

On April 20, 2018, Defendant Wilkie filed a Motion to Dismiss or Transfer Venue (Doc. 13).

On May 10, 2018, Plaintiff filed an Opposition (Doc. 14).

By Order entered on May 15, 2018, the Honorable G. R. Smith, United States Magistrate Judge for the Southern District of Georgia, granted Defendant Wilkie's Motion to Transfer Venue and transferred the case to this Court. Judge Smith deferred ruling on the Motion to Dismiss, and that Motion is now pending before the undersigned (Doc. 15).

In their Motion to Dismiss and Opposition, respectively, the parties relied on case law from the Eleventh Circuit and elsewhere, which is not surprising given that the case was pending in the Southern District of Georgia when those documents were filed. However, the transfer of this matter to this Court may require the application of different authorities.

The parties are therefore each **DIRECTED** to submit a list of controlling authorities for courts within the Fourth Circuit, which authorities the parties contend support their individual positions as stated in the Motion to Dismiss and Opposition. Bullet point lists of citations with parenthetical descriptions of the case holdings will be acceptable in this regard.¹ The parties' lists of authorities are due thirty (30) days from the entry of this Order. This Order is not meant to be an invitation for supplemental or re-stated arguments supporting or opposing the Motion but rather simply for additional citations and authorities

¹ Plaintiff has elected to proceed *pro se* and appropriate latitude will be given in that respect.

that, in light of the transfer of the case, may assist the Court in addressing the Motion more expeditiously.

Signed: November 16, 2018

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

